

Permit No. NM0020389

# PROPOSED PERMIT

## AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended,  
(33 U.S.C.... 1251 et. seq; the "Act"),

Homestake Mining Company  
P.O. Box 98  
Grants, New Mexico 87020

is authorized to discharge from a facility located at Homestake Mining  
Company, McKinley County, New Mexico

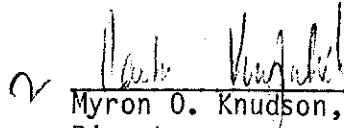
to receiving waters named Arroyo del Puerto to San Mateo Creek in the  
Rio Grande Basin

in accordance with effluent limitations, monitoring requirements and  
other conditions set forth in Parts I (5 pages), II (7 pages), and  
III (6 pages) hereof.

This permit shall become effective on

This permit and the authorization to discharge shall expire at midnight,

Signed and issued this            day of

  
\_\_\_\_\_  
Myron O. Knudson, P.E.  
Director  
Water Management Division (6W)

PART I  
REQUIREMENTS FOR NPDES PERMITS

SECTION A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

OUTFALL 001

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall 001 - mine water.

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			
	<u>Mass(lbs/day)</u>		<u>Other Units (Specify)</u>	
	<u>Daily Avg</u>	<u>Daily Max</u>	<u>Daily Avg</u>	<u>Daily Max</u>
Flow (MGD)	N/A	N/A	(*1)	(*1)
Total Suspended Solids	N/A	N/A	20 mg/l	30 mg/l
Chemical Oxygen Demand	N/A	N/A	100 mg/l	200 mg/l (*2)
Radium 226 (dissolved)	N/A	N/A	3 pCi/l	10 pCi/l
Total Radium 226	N/A	N/A	10 pCi/l	30 pCi/l
Total Uranium	N/A	N/A	2.0 mg/l	4.0 mg/l
Total Zinc	N/A	N/A	0.5 mg/l	1.0 mg/l
Biomonitoring	N/A	N/A	N/A	N/A

<u>Effluent Characteristic</u>	<u>Monitoring Requirements</u>	
	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow (MGD)	Continuous	Record
Total Suspended Solids	1/week	24-hr. composite
Chemical Oxygen Demand	1/week	24-hr. composite
Radium 226 (dissolved)	1/week	24-hr. composite
Total Radium 226	1/week	24-hr. composite
Total Uranium	1/week	24-hr. composite
Total Zinc	1/week	24-hr. composite
Biomonitoring	1/month	(*3)

OUTFALL 001

The pH shall not be less than 6.6 standard units nor greater than 8.6 standard units and shall be monitored 1/week by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At the discharge pipe from the ion exchange plant.

Latitude: 35° 39' 20"

Longitude: 108° 30' 28"

FOOTNOTES

- (\*1) Report.
- (\*2) See Part II, Paragraph C.
- (\*3) See Part II, Paragraph E.

SECTION B. SCHEDULE OF COMPLIANCE

The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:

NONE

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

SECTION C. REPORTING OF MONITORING RESULTS

Monitoring results shall be reported in accordance with the provisions of Part III.D.4 of the permit. Monitoring results obtained during the previous month shall be summarized and reported on a Discharge Monitoring Report form postmarked no later than the \_\_\_\_\_ day of the month following the completed reporting period. The first report is due on \_\_\_\_\_.

PART II  
OTHER CONDITIONS

A. The term "24-hour composite sample" except for volatile organics means a sample consisting of a minimum of eight (8) grab samples of effluents collected at regular intervals over a normal operation day and combined proportional to flow, or a sample continuously collected proportional to flow over a normal operating day.

B. Test Procedures

a. The effluent characteristics "soluble radium 226" and "total radium 226" shall be measured by Method 706 "Radium 226 in Water" in accordance with the procedures discussed for soluble radium 226 and total radium 226 in Standard Methods for the Examination of Water and Wastewater, 14th Edition, 1975, page 667, or an equivalent method.

b. The effluent characteristic "total uranium" shall be measured by the procedure discussed in the HASL Procedural Manual, edition by John H. Harley, HASL 300 Health and Safety Laboratory, U.S. Atomic Energy Commission, 1973, page EU-03, or an equivalent method.

C. The following limitations shall apply

Part 2, of New Mexico Water Quality Control Commission Regulations, September 20, 1982, Section 2-101, General Requirements: number 2 in subsection A which reads more than one daily composite sample in any thirty-day period (in which less than (10) daily composite samples are examined)" the Chemical Oxygen Demand (COD) shall be less than 125 mg/l.

D. The following limitations shall apply

Part 2, of New Mexico Water Quality Control Commission Regulations, September 20, 1982, Section 2-101, General Requirements: number 2 in subsection A which reads "more than one daily composite sample in any thirty-day period (in which less than ten (10) daily composite samples are examined)" the Bio-Chemical Oxygen Demand (BOD) shall be less than 30 mg/l.

E. CHRONIC BIOMONITORING REQUIREMENTS

a. The permittee shall test the effluent for toxicity in accordance with the provisions in this section. Such testing will determine if an appropriately dilute effluent sample affects the survival and reproduction

or growth of the appropriate test organism. The permittee shall initiate the following series of tests within 60 days after recommencing discharge to evaluate wastewater toxicity. All test organisms, procedures, and water quality assurance criterion used shall be in accordance with the latest revision of "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms", EPA/600/4-85/014. The following tests shall be used:

- 1) The permittee shall conduct a 7-day Ceriodaphnia dubia survival and reproduction test (Method 1002.0).
- 2) The permittee shall conduct a 7-day fathead minnow (Pimephales promelas) larval survival and growth test (Method 1000.0).

b. A minimum of 5 dilutions must be performed in addition to an appropriate control, using a minimum dilution factor of 0.3 (i.e., 100%, 30%, 10%, 3%, and 1%).

c. The samples shall be collected at a point following the last treatment unit. Dilution water used in toxicity tests will be receiving stream water collected at a point upstream of the discharge. If receiving water is unsatisfactory as a result of pre-existing in-stream toxicity (greater than 20% mortality in the control), the permittee must substitute reconstituted dilution water, with hardness and alkalinity similar to that of the receiving stream water. The permittee shall also report to EPA the toxicity of the upstream receiving water.

d. Flow-weighted 24-hour composite samples representative of dry weather flows during normal operation will be collected from Outfall 001. These composites shall be combined in proportion to the average flow from each outfall for the day the sample was collected. The toxicity tests shall be performed on the flow-weighted composite of the outfall samples.

e. The toxicity tests specified in paragraphs (a) and (b) above shall be conducted once per month. The permittee shall prepare a full report of the results according to EPA/600/4-85/014, Section 10, Report Preparation. This full report need not be submitted unless requested and shall be retained following the provisions of Part III.C.3 of this permit.

f. The permittee shall submit the toxicity testing information contained in Table 1 of this permit to EPA along with the Discharge Monitoring Report (DMR) submitted for the end of the reporting period following the toxicity test.

g. Should no toxicity occur within the first year of toxicity testing, in accordance with Paragraph (h) below, for both species tested at the effluent dilution equivalent to low flow (100%), the permittee shall certify this information in writing to EPA Region VI and these biomonitoring requirements shall expire.

h. For the purpose of this biomonitoring requirement, chronic toxicity is defined as a statistically significant difference at the 95% confidence level between the survival and growth or reproduction in the appropriate test organism exposed to the control and to an effluent dilution.

i. This permit shall be reopened to require further monitoring studies and/or effluent limits if biomonitoring data show actual or potential ambient toxicity to be the result of the permittee's discharge to the receiving stream. Modification or revocation of the permit is subject to the provisions of 40 CFR Part 122.62. Accelerated or intensified toxicity testing may be required in accordance with Section 308 of the Clean Water Act.

TABLE 1

## BIOMONITORING REPORTING

CERIODAPHNIA DUBIA SURVIVAL AND REPRODUCTION TEST

Permittee: Homestake Mining Company  
NPDES No.: NM0020389

Composite collected FROM: \_\_\_\_\_ am/pm \_\_\_\_\_ date  
TO: \_\_\_\_\_ am/pm \_\_\_\_\_ date

Test initiated: \_\_\_\_\_ am/pm \_\_\_\_\_ date

Dilution water used: ☐ Receiving water ☐ Reconstituted water

## NUMBER OF YOUNG PRODUCED PER FEMALE @ 7 DAYS

Percent effluent (%)

REP	0%	1%	3%	10%	30%	% at low flow 100%
A						
B						
C						
D						
E						
F						
G						
H						
I						
J						

TABLE 1 (Continued)  
BIOMONITORING REPORTING

CERIODAPHNIA DUBIA SURVIVAL AND REPRODUCTION TEST

Permittee: Homestake Mining Company  
NPDES No.: NM0020389

PERCENT SURVIVAL

Percent effluent (%)

Time of Reading	0%	1%	3%	10%	30%	% at low flow 100%
24h						
48h						
7-day						

1. Fisher's Exact Test:

Is the mean survival at 7 days significantly different ( $p=0.05$ ) than the control survival for the % effluent corresponding to:

LOW FLOW: \_\_\_\_\_ YES \_\_\_\_\_ NO

2. Dunnett's Procedure or Steel's Many-One Rank Test as appropriate:

Is the mean number of young produced per female significantly different ( $p=0.05$ ) than the control's number of young per female for the % effluent corresponding to:

LOW FLOW: \_\_\_\_\_ YES \_\_\_\_\_ NO

3. Enter percent effluent corresponding to each NOEL below and circle lowest number:

- a. NOEL survival = \_\_\_\_\_ % effluent  
b. NOEL reproduction = \_\_\_\_\_ % effluent

4. If you answered NO to 1 and 2, enter [N]; otherwise enter [Y]: \_\_\_\_\_

5. Enter response to item 4 on DMR Form, Parameter No. TCP3B.

TABLE 1 (Continued)

## BIOMONITORING REPORTING

FATHEAD MINNOW LARVAE GROWTH AND SURVIVAL TEST  
(Pimephales promelas)

Permittee: Homestake Mining Company  
 NPDES No.: NM0020389

Composite collected FROM: \_\_\_\_\_ am/pm \_\_\_\_\_ date  
 TO: \_\_\_\_\_ am/pm \_\_\_\_\_ date

Test initiated: \_\_\_\_\_ am/pm \_\_\_\_\_ date

Dilution water used: ☐ Receiving water ☐ Reconstituted water

DATA TABLE FOR GROWTH OF FATHEAD MINNOWS

Effluent Conc. (%)	Average Dry Weight in milligrams in replicate chambers				MEAN DRY WEIGHT	
	A	B	C	D	mg	CV%*
0%						
1%						
3%						
10%						
30%						
Low Flow 100%						

\* coefficient of variation = standard deviation x 100/mean

## 1. Dunnett's Procedure:

Is the mean dry weight (growth) at 7 days effluent significantly different ( $p=0.05$ ) than the control's dry weight (growth) for the % effluent corresponding to:

LOW FLOW: \_\_\_\_\_ YES \_\_\_\_\_ NO

TABLE 1 (Continued)

## BIOMONITORING REPORTING

FATHEAD MINNOW LARVAE GROWTH AND SURVIVAL TEST  
(Pimephales promelas)

Permittee: Homestake Mining Company  
 NPDES No.: NM0020389

DATA TABLE FOR FATHEAD MINNOW SURVIVAL

Effluent Conc. (%)	Percent Survival in replicate chambers				MEAN PERCENT SURVIVAL			CV%*
	A	B	C	D	24h	48h	7-day	
0%								
1%								
3%								
10%								
30%								
Low Flow 100%								

\* coefficient of variation = standard deviation x 100/mean

2. Dunnett's Procedure or Steel's Many-One Rank Test as appropriate:

Is the mean survival at 7 days significantly different ( $p=0.05$ ) than the control survival for the % effluent corresponding to:

LOW FLOW: \_\_\_\_\_ YES \_\_\_\_\_ NO

3. Enter percent effluent corresponding to each NOEL below and circle lowest number:

- a. NOEL survival = \_\_\_\_\_ % effluent  
 b. NOEL growth = \_\_\_\_\_ % effluent

4. If you answered NO to 1 and 2, enter [N]; otherwise enter [Y]: \_\_\_\_\_

5. Enter response to item 4 on DMR Form, Parameter No. TCP6C.

**PART III**  
**STANDARD CONDITIONS FOR NPDES PERMITS**

**SECTION A. GENERAL CONDITIONS**

**1. Introduction**

In accordance with the provisions of 40 CFR Part 122.41, et. seq., this permit incorporates by reference ALL conditions and requirements applicable to NPDES Permits set forth in the Clean Water Act, as amended, (hereinafter known as the "Act") as well as ALL applicable CFR regulations.

**2. Duty to Comply**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**3. Toxic Pollutants**

- a. Notwithstanding Part III.A.5, if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition.
- b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

**4. Duty to Reapply**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated at 40 CFR Part 122.6 and any subsequent amendments.

**5. Permit Flexibility**

This permit may be modified, revoked and reissued, or terminated for cause in accordance with 40 CFR 122.62-64. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

**6. Property Rights**

This permit does not convey any property rights of any sort, or any exclusive privilege.

**7. Duty to Provide Information**

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

**8. Criminal and Civil Liability**

Except as provided in permit conditions on "Bypassing" and "Upsets", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of the permit, the Act or applicable CFR regulations which avoids or effectively defeats the regulatory purpose of the Permit may subject the Permittee to criminal enforcement pursuant to 18 U.S.C. Section 1001.

**9. Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

**10. State Laws**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.

**11. Severability**

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

**SECTION B. PROPER OPERATION AND MAINTENANCE**

**1. Need to Halt or Reduce not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**2. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

**3. Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain

- a. The date, exact place, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

#### 5. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

#### 6. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than a 10% from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration, and operation of acceptable flow measurement devices can be obtained from the following references:

- a. "A Guide to Methods and Standards for the Measurement of Water Flow", U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 421, May 1975, 97 pp. (Available from the U.S. Government Printing Office, Washington, D.C. 20402. Order by SD Catalog No. C13.10:421).
- b. "Water Measurement Manual", U.S. Department of Interior, Bureau of Reclamation, Second Edition, Revised Reprint, 1974, 327 pp. (Available from the U.S. Government Printing Office, Washington, D.C. 20402. Order by Catalog No. 127.19/2:W29/2, Stock No. S/N24003-0027).
- c. "Flow Measurement in Open Channels and Closed Conduits", U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 484, October 1977, 982 pp. (Available in paper copy or microfiche from National Technical Information Service (NTIS), Springfield, VA 22151. Order by NTIS No. PB-273535/55T).
- d. "NPDES Compliance Sampling Manual", U.S. Environmental Protection Agency, Office of Water Enforcement, Publication MCD-51, 1977, 140 pp. (Available from the General Services Administration (GSA), Centralized Mailing Lists Services, Building 41, Denver Federal Center, Denver, CO 80225).

meet one of the criteria for determining whether a facility is a new source in 40 CFR Part 122.29(b); or,

- (2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR Part 122.42(a) (1).

#### b. Municipal Permits

Any change in the facility discharge (including the introduction of any new source or significant discharge or significant changes in the quantity or quality of existing discharges of pollutants) must be reported to the permitting authority. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein.

#### 2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

#### 3. Transfers

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

#### 4. Discharge Monitoring Reports

Monitoring results must be reported on Discharge Monitoring Report (DMR) Form EPA No. 3320-1 in accordance with the "General Instructions" provided on the form. The permittee shall submit the original DMR to the EPA with copies of the DMR to the State Agency. Duplicate copies of the DMRs, signed and certified as required by Part III.D. 11 and all other reports required by Part III.D shall be submitted to the Director and to the State (if applicable) at the following address(es):

Water Management Division  
Enforcement Branch (6W-E)  
U.S. Environmental Protection  
Agency, Region VI  
First Interstate Bank Tower  
1445 Ross Avenue  
Dallas, Texas 75202-2733

Oklahoma (Industrial Permits)  
Director  
Oklahoma Water Resources Board  
P.O. Box 53585  
Oklahoma City, Oklahoma 73152

### SECTION D. REPORTING REQUIREMENTS

#### 1. Planned Changes

##### a. Industrial Permits

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- (1) The alteration or addition to a permitted facility may

##### New Mexico:

Program Manager  
Surface Water Section  
Surface Water Quality Bureau  
New Mexico Environmental  
Improvement Division  
P.O. Box 968  
Santa Fe, New Mexico 87504-0968

##### Louisiana:

Assistant Secretary for Water  
Water Pollution Control  
Division  
Louisiana Department of  
Environmental Quality  
P.O. Box 44091  
Baton Rouge, Louisiana 70804-4091

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position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or an individual occupying a named position; and,

(3) The written authorization is submitted to the Director.

- c. **Certification.** Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

## 12. Availability of Reports

Except for applications, effluent data, permits, and other data specified in 40 CFR 122.7, any information submitted pursuant to this permit may be claimed as confidential by the submitter. If no claim is made at the time of submission, information may be made available to the public without further notice.

## SECTION E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

### 1. Criminal

#### a. Negligent Violations

The Act provides that any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

#### b. Knowing Violations

The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both.

#### c. Knowing Endangerment

The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 303, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both.

#### d. False Statements

The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate,

any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or by both. (See Section 309.c.4 of the Clean Water Act)

### 2. Civil Penalties

The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed \$25,000 per day for each violation.

### 3. Administrative Penalties

The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

#### a. Class I Penalty

Not to exceed \$10,000 per violation nor shall the maximum amount exceed \$25,000.

#### b. Class II Penalty

Not to exceed \$10,000 per day for each day during which the violation continues nor shall the maximum amount exceed \$125,000.

## SECTION F. DEFINITIONS

All definitions contained in Section 502 of the Act shall apply to this permit and are incorporated herein by reference. Unless otherwise specified in this permit, additional definitions of words or phrases used in this permit are as follows:

1. "Act" means the Clean Water Act (33 U.S.C. 1251 et. seq.), as amended.
2. "Administrator" means the Administrator of the U.S. Environmental Protection Agency.
3. "Applicable effluent standards and limitations" means all state and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards.
4. "Applicable water quality standards" means all water quality standards to which a discharge is subject under the Act and which have been (a) approved or permitted to remain in effect by the Administrator following submission to him/her, pursuant to Section 303(a) of the Act, or (b) promulgated by the Administrator pursuant to Section 303(b) or 303(c) of the Act.
5. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
6. "Daily Discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant